**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929**

**WP(C).No. 16103 of 2007(P)**

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**PETITIONER:**

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**SANTHOSH KUMAR, WORKING AS ASSISTANT EXECUTIVE ENGINEER, NATIONAL HIGHWAY, PUNALUR AND RESIDING AT 'INDEEVARAM', ASHRAMAM WEST, KOLLAM - 2.**

**BY ADV. SRI.P.B.SURESH KUMAR**

**RESPONDENTS:**

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1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **PRINCIPAL SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
3. **DEPUTY SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
4. **DEPARTMENTAL PROMOTION COMMITTEE FOR APPOINTMENT TO THE POST OF EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA, REPRESENTED BY ITS CONVENER.**

**BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WPC.NO.16103/2007 P**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF THE MEMO OF CHARGES ISSUED TO THE PETITIONER DTD. 8/02/2007.**

**EXT.P2:** **COPY OF THE REPLY TO EXHIBIT P1 SHOW CAUSE NOTICE SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT THROUGH THE CHIEF ENGINEER OF THE DEPARTMENT DTD.NIL.**

**EXT.P3:** **COPY OF G.O.(MS) NO.59/2007 DTD. 13/06/2007.**

**EXT.P4:** **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FOURTH RESPONDENT COMMITTEE DTD. 18/06/2007.**

**/TRUE COPY/**

*KSS*

# K.BALAKRISHNAN NAIR, J.

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## W.P.(C) No.16103 of 2007 P

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**Dated this the 10th day of July, 2007.**

## JUDGMENT

The petitioner is an Executive Engineer in the Public Works Department. He has claimed promotion to the post of Executive Engineer under the graduate quota. When Ext.P3 select list of Assistant Executive Engineers eligible for promotion to the category of Executive Engineer (Civil) was published, the petitioner's name was not included in it. He was superseded by his juniors. So, he preferred Ext.P4 statutory representation against the said list before the Convener of the Departmental Promotion Committee. He prays, the 4th respondent may be directed to consider and pass orders.

3. Learned Government Pleader, upon instructions, submitted that Ext.P4 is received and pending.

4. In view of the above submission, this writ petition is disposed of directing the fourth respondent to pass orders on Ext.P4, in accordance with law, within three months from the date of receipt of a copy of this judgment.

Sd/-

**(K.BALAKRISHNAN NAIR)**
**JUDGE**

sk/

**//true copy//**